

FORM PTO-1390
(REV 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

1102865-0034

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/700402

INTERNATIONAL APPLICATION NO.
PCT/US99/10750INTERNATIONAL FILING DATE
14 May 99PRIORITY DATE CLAIMED
14 May 98

TITLE OF INVENTION COMBINATION THERAPY FOR THE TREATMENT OF TUMORS

APPLICANT(S) FOR DO/EO/US Gevas, et al.


Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371)f
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Preliminary Amendment; Copy of the International Search Report (PCT/ISA/210, mailed Nov. 25, 1999); Copy of PCT/RO/101 Request and copy of PCT/RO/146; Copy of the Response to the Invitation to Correct Defects in the International Application including copy of attachments thereto; Computer readable copy of the Sequence Listing (diskette); drawings; Statement Regarding Content of Paper and Computer Readable Copies of the Sequence Listing

NOTE: EXAMINATION OF THE U.S. NATIONAL PHASE APPLICATION SHALL BE BASED ON THE CLAIMS AS ORIGINALLY FILED IN THE INTERNATIONAL APPLICATION, as amended by THE ENCLOSED PRELIMINARY AMENDMENT.

U.S. APPLICATION NO. 09/700492		INTERNATIONAL APPLICATION NO. PCT/US99/10750		ATTORNEY'S DOCKET NUMBER 1102865-0034	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		X \$18.00	\$	
Independent claims	3 - 3 =	—	X \$80.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ 270	
TOTAL OF ABOVE CALCULATIONS =				\$ 1130	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 565	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				charged:	\$ 565
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>23-1703</u> in the amount of \$ <u>565</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-1703</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Customer No. 007470 (212)-819-8200 Agent's Direct Line: (212)-819-8840					
				 SIGNATURE: Hans-Peter G. Hoffmann NAME 37,352 REGISTRATION NUMBER	

1102865-0034

525 Rec'd PCT/PTO 14 NOV 2000TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED OFFICE (DO/US)

<u>PCT/US99/10750</u>	<u>14 MAY 1999</u>	<u>15 MAY 1998</u>
International Application Number	International Filing Date	Priority Date(s) Claimed

COMBINATION THERAPY FOR THE TREATMENT OF TUMORS

Title of Invention

GEVAS, Philip C.; GRIMES, Stephen; KARR, Stephen L.; WATSON, Susan A.;
and MICHAELI, Dov

Applicant(s) for DO/US

"Express Mail" Label No. <u>EL286880070US</u>
Date of Deposit <u>NOVEMBER 14, 2000.</u>
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.
<u>IRIS Rivera</u> (Type or print name of person mailing paper or fee)
<u>IRIS Rivera</u> (Signature of person mailing paper or fee)

BOX PCT

Assistant Commissioner for Patents
Washington, D.C. 20231

To the United States Designated Office (DO/US):

- I. Accompanying this transmittal letter are certain items which are required under 35 U.S.C. 371 in order that United States National processing of the above identified International application may commence:
- () at the expiration of the applicable time limit under PCT Articles 22 and 39(1) according to the provisions of 35 U.S.C. 371(b).
- (X) as soon as possible upon receipt of this express request under 35 U.S.C. 371(f).

1. The U.S. National fee [35 U.S.C. 371(c)(1)]

a. () was previously transmitted by applicant on (date)_____.

b. (X) is submitted herewith as follows:

FOR	NO. FILED	NO. EXTRA	<u>SMALL ENTITY</u>			OTHER THAN	
			<u>RATE</u>	<u>FEE</u>	<u>or</u>	<u>RATE</u>	<u>FEE</u>
Basic Fee	(For filing with) EPO Search Report)		////	\$430	<u>or</u>	////	\$860
Total Claims	-20 =	--	x 9 =		<u>or</u>	x18 =	\$
Ind. Claims	3 - 3	--	x 40 =		<u>or</u>	x80 =	\$
(X) Multiple Dependent Claim Presented			+135 =	\$135	<u>or</u>	+270 =	\$
TOTAL NATIONAL FEE				\$565	<u>or</u>		\$

i. () A check in the amount of \$_____ is enclosed.

ii. (X) **Please charge the filing fee, multiple dependent claim fee (if applicable), excess independent claims fee (if applicable), and excess total claims fee (if applicable) to Deposit Account No. 23-1703.**

iii. (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account No. 23-1703**. A duplicate copy of this sheet is enclosed.

(iv) () The filing fee is not enclosed.

2. A copy of the International application as filed [35 U.S.C. 371(c)(2)]:

a. (X) is transmitted herewith.

b. () is not required as the application was filed with the United States Receiving Office.

c. () has been transmitted

- i. ☐ by the International Bureau. Date of mailing of the application (from form PCT/IB/308): _____ A copy of form PCT/IB/308 is enclosed.
 - ii. ☐ by applicant on (date) _____.
3. A translation of the International application into the English language [35 U.S.C. 371(c)(2)]:
 - a. ☐ is transmitted herewith.
 - b. ☒ is not required as the application was filed in English.
 - c. ☐ was previously transmitted by applicant on (date) _____.
4. Amendments to the claims of the International application under PCT Article 19 [35 U.S.C. 371(c)(3)]:
 - a. ☒ are transmitted herewith. **However, examination of the U.S. national phase application should be based on the claims as originally filed in the International Application. A Preliminary Amendment to those claims is enclosed with this filing.**
 - b. ☐ have been transmitted
 - i. ☐ by the International Bureau. Date of mailing of the amendments (from form PCT/IB/308): _____.
 - ii. ☐ by applicant on (date) _____.
 - c. ☐ have not been transmitted as
 - i. ☐ no notification has been received that the International Searching Authority has received the Search Copy.
 - ii. ☐ the Search Copy was received by the International Searching Authority but the Search Report has not yet issued. Date of receipt of Search Copy (from form PCT/ISA/202): _____.
 - iii. ☐ applicant chose not to make amendments under PCT Article 19. Date of mailing of Search Report (from form PCT/ISA/210): _____.

- iv. ☐ the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
5. A Translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]:
- a. ☐ is transmitted herewith.
- b. ☒ is not required as the amendments were made in the English language.
- c. ☐ has not been transmitted for reasons indicated at point I.4.b. or c. above.
6. An executed declaration for patent application of the inventor [35 U.S.C. 371(c)(4)] complying with 35 U.S.C. 115:
- a. ☐ was previously submitted by applicant on (date)

- b. ☐ is submitted herewith;
and such oath or declaration
- i. ☐ is attached to the application.
- ii. ☐ identifies the application and any amendments under PCT Article 19 which were transmitted as stated in points 1.2.b. or c. and 1.4. and states that they were reviewed by the inventor as required by 37 CFR 1.70.
- c. ☒ will be submitted subsequently.

II. Concerning other documents:

1. An International Search Report or Declaration under PCT Article 17(2)(a):
- a. ☐ has been transmitted by the International Bureau. Date of mailing (from form PCT/IB/308): _____ A copy of form PCT/IB/308 is enclosed
- b. ☐ is not required as the application was searched by the United States International Searching Authority.

c. (X) A copy of the International Search Report (PCT/ISA/210, dated Nov. 25, 1999) is transmitted herewith.

d. () has been submitted by applicant on (date) _____.

2. A Statement of prior art under 37 CFR 1.97 and 1.98:

a. () is transmitted herewith including copies of the references cited on the attached form PTO-1449. Also enclosed is a copy of the International-Type Search Report (PCT/ISA/201/SE), issued in the Swedish priority application.

b. () will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).

c. () was previously submitted by applicant on _____, in application serial no. _____.

3. () An executed Assignment is transmitted herewith for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

a. () Please charge the \$40.00 assignment recordation fee to Deposit Account No. 23-1703.

b. () Enclosed is a check in the amount of \$_____.


4. Other document(s) or information included:

- Three sheets of drawings;
- Preliminary Amendment;
- Copy of the International Search Report (PCT/ISA/210) mailed Nov. 25, 1999;
- Copy of PCT/RO/101 and PCT/RO/146 - Notification Regarding certain Corrections Made *Ex Officio*;
- Copy of the Response to the Invitation to Correct Defects in the International Application with copies of attachments (the executed page 4 (Signature Page) of PCT/RO/101, the signed PCT Power of Attorney, replacements pages (to satisfy PCT format requirements), and three sheets of formal drawings).

- Computer readable (diskette) copy of the Sequence Listing;
- Statement Regarding Content of Paper and Computer Readable Copies of the Sequence Listing; and
- Return postcard.

Respectfully submitted,

Nov. 14, 2000
DATE


Hans-Peter G. Hoffmann
Reg. No. 37,352
Agent for Applicants
Agent's Direct Line - (212)-819-8840

Customer No. 007470
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enclosures